

TIMOTHY DUGAN : ATTORNEY  
t 301.230.5228 f tdugan@shulmanrogers.com

ATTACHMENT "C"

December 29, 2010

Mr. Castor D. Chasten  
Planner III  
City of Rockville, Department of Community Planning and Development Services  
111 Maryland Avenue  
Rockville, MD 20850

Re: STP2011-00066  
SPEX2010-00381  
Brightview of Rockville  
9200 Darnestown Road  
Explanation: Status of Site Plan Compliance with the  
Special Exception Conditions of Approval

Dear Mr. Chasten:

Thank you for requesting an explanation of the status of how the proposed Site Plan Application is complying with the Board of Appeals Conditions of Approval. Below, I list each condition of approval in italics and I explain how each condition is met, in regular type.

- 1) *The proposed building structure must be constructed in substantial accordance with site and building plans as submitted with the subject application request, or as may be modified by the conditions herein or by the Board of Appeals.*

a) Explanation.

The requirement pertains to the actual construction of the building which is partly applicable to the Site Plan application. When it is time to submit the detailed architectural plans, they must be considered for compliance with such special exception condition of approval.

i) Development Standards.

As indicated by the following comparison of the development standards for the Special Exception, from Special Exception Exhibit 82, and from the proposed Site Plan, Sheet C-1, it is evident that the various elements of the Special Exception and the Site Plan are the same.

Description	Required	Special Exception	Site Plan
Minimum Lot Size	2 acres	3.69 acres	3.69 acres
Minimum Street Frontage	100 feet	360 feet	360 feet
Minimum Building Setback			
Front	50 feet	50 feet minimum	50 feet minimum
Side East abutting nonresidential use	22' (2X11')	31 feet minimum	31 feet minimum
Side West abutting single family residential use	22' (2X11')	110 feet minimum	110 feet minimum
Rear	50 feet	97 feet	97 feet
Maximum Building Height <sup>1</sup>			
South and West Ends measured to the top of the flat roof	22 feet and 2 stories	22 feet and 2 stories	22 feet and 2 stories
Midpoint of gable roof	35 feet and 3 stories	35 feet and 3 stories	35 feet and 3 stories
Top of gable roof	40 feet	40 feet	40 feet
Maximum Lot Coverage	25 maximum	13% plus or minus 1%	13% plus or minus 1%
Automobile Off Street Parking	30 spaces	43 spaces	43 spaces
Accessible Parking Spaces	2 spaces	3 spaces	3 spaces
Loading spaces	1 space	1 space	1 space

- ii) Forest Conservation Plan/Tree Conservation Plan, Stormwater Management Plan and Landscape Plan.

At the time of the Special Exception application, it was understood that the preliminary forest conservation plan, which is Exhibit 80 and Exhibit 81, would be further refined through the subsequent approval processes. The Applicant has

<sup>1</sup> Height is to be measured according to Rockville City Code Section 25.15.02j.3.(e) and the Settlement Agreement.

continued to refine the Final Forest Conservation Plan with Ms. Elise Cary. As for the stormwater management plan, the Applicant is working with Ms. Mary Fertig. The landscape plan is being conformed with the forest conservation plan and the stormwater management plan. All of such plans have been and will continue to be in compliance with the special exception condition.

- 2) *To ensure compatibility with the neighboring single-family detached dwellings located to the south and west of the site, it is recommended that the ends of the southern and western wings of the proposed building should be reduced from three stories (35') to two stories (22') in height. The two story sections of the building on the southern and western ends shall extend 16 feet from the end building façade.*

a) Explanation

Please see the earlier explanation that compares the development standards at Section 1)a)i) at page 1.

- 3) *Comply with all conditions of the Stormwater Management (SWM) Concept approval letter dated February 25, 2010.*

- a) Explanation. The February 25, 2010 letter is Special Exception Exhibit 60, and is attached to this letter as Exhibit 1. The City extended the letter, as evidenced by the August 27, 2010 extension letter attached as Exhibit 2. As for conforming with the forest conservation plan, please see the earlier discussion at Section 1)a)ii) at page 2. As of December 17, 2010, the engineers reported that they received what are expected to be the final stormwater management comments from Ms. Mary Fertig. Of course, the Applicant will continue to coordinate the stormwater management plan with the forest conservation plan and the landscape plan.

With respect to the stormwater management concept plan's compliance with such elements as water quality, water volume, channel protection, overbank flood protection, and Darnestown Road, as indicated on pages 1-2 of the letter, we evidence that the Applicant's stormwater management concept plan complies with all of the conditions of the Stormwater Management (SWM) Concept conditions of approval contained in the letter dated February 25, 2010, through the attached letter from Gutschick, Little and Weber, the Applicant's engineers, attached as Exhibit 3.

As for those conditions that must be complied with at subsequent stages, as indicated on pages 2-4 of the letter, the Applicant will comply with them at the appropriate time.

- 4) *Comply with all conditions of the Water and Sewer Authorization letter dated February 4, 2010.*
- a) Explanation. The letter is Special Exception Exhibit 59, and is attached to this letter as Exhibit 4. The status of compliance is explained in the letter from Gutschick, Little and Weber attached as Exhibit 5.
- Permission to connect to City water and sewer has been made. It is expected that the City will have conducted recent flow and pressure tests in the near future. However, the results of the tests will not require any adjustments to the Site Plan.
- 5) *Dedicate right-of-way for Darnestown Road in accordance with the site plan submitted and obtain all required permits from Montgomery County Department of Permitting Services for all work done within the right-of-way. All proposed improvements within the public right-of-way are to be coordinated with the City of Rockville.*
- a) Explanation. The dedication is shown on the Site Plan submitted with the application. The dedication will be established through the record plat recordation at the time of record plat. All required permits will be obtained from the Montgomery County Department of Permitting Services for all work done within the right-of-way.
- 6) *Provide a fire hydrant within 100 feet of the fire department connection arranged along a path that could be reasonably walked by fire department personnel. The fire hydrant cannot be closer than 40 feet to any point of the building structure.*
- a) Explanation. A fire hydrant is shown on the Site Plan at Sheet C-4 . A proposed fire hydrant, located near the interior driveway circle, is located within 100 feet of the Fire Department connection located on the southerly façade of the westernmost wing. As shown on the Site Plan Sheet C-4, the proposed fire hydrants are not closer than 40 feet from any point of the building structure.
- 7) *In accordance with the requirements of the Forest and Tree Preservation Ordinance, the applicant shall submit for review and approval a Final Conservation Plan (FCP) and obtain a Forestry Permit (FTP) prior to the release of building permits.*
- a. *The Final FCP shall be based on the Preliminary FCP and provide tree plantings consistent with the Preliminary FCP.*
- b. *The Final FCP will be reviewed concurrently with the detailed engineering drawings that are submitted to the Department Public Works.*

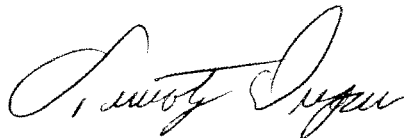
*c. The Landscape Plan shall match the landscaping shown on the Final FCP.*

- a) Explanation. The Applicant has been working with Ms. Elise Cary to provide the Final Forest Conservation Plan. It has been reviewed concurrently with the drawings that are submitted to Ms. Mary Fertig of the Department of Public Works. Further, the Landscape Plan matches the landscaping shown on the Forest Conservation Plan.
- 8) *Trash and recycling receptacles shall be located inside the building and not be stored outside the building. Trash and recycling receptacles may be towed outside only for pickup. Trash and recycling truck pick-up times is limited to Monday through Friday (no holidays), between the hours of 9:00 a.m. and 4:00 p.m.*
  - a) Explanation. The Applicant will comply with such condition of approval at the appropriate time when the building has been constructed and occupied.
- 9) *Applicant shall screen the common area HVAC condenser units. HVAC facilities on the roof are to be located on the north and east side of the building, toward the center where the two wings of the building join. Applicant shall locate HVAC facilities as great a distance as practicable from adjoining homes on the southern and western boundary of the Brightview Property.*
  - a) Explanation. The Applicant will be able to show compliance with such condition of approval at the time of the review and approval of the detailed architectural and other plans.
- 10) *The applicant shall cause the construction on the Brightview property to comply with the County's Noise Ordinance.*
  - a) Explanation. Construction will comply with the County's noise ordinance. Compliance will be addressed with the submission of the building permit application and related plans.
- 11) *Exterior light fixtures shall include cut-off shields in order to control light trespass off the Brightview Property.*
  - a) Explanation. The Applicant's Site Plan Drawing EO.1 shows that the Site Plan lighting plan complies with such condition of approval.
- 12) *All newly-planted or replacement trees in the Northwest Corner Section of the property, in the Forest Conservation Easement, and in the Southeast Corner Section of the property, shall be at a minimum, ten feet in height when planted.*

- a) Explanation. The Site Plan Sheet C-11 contains the plant schedule. It illustrates that the newly planted or replacement trees are planned to be at a minimum ten feet in height when planted.
- 13) *The building must be set back no less than 97 feet to the rear (SOUTHERN) property line and no less than 110 feet from the side (western) property line as shown on the Special Exception (SPX2010-00381) site plan.*
- a) Explanation. Please review the development standards details at Section 1)a)i) at page 1 of this letter which shows that the minimum setbacks are shown on the Site Plan.
- 14) *The Applicant shall provide a shuttle bus for its residents' use. Details of the shuttle bus operations shall be determined at Site Plan stage.*
- a) Explanation. The Applicant will provide a 12-person shuttle bus dedicated to the use of the Brightview community. The bus will run several times daily. The bus will provide scheduled transportation for such activities as medical appointments, shopping, and dining. The shuttle bus will be operating at the appropriate time when the building has been constructed and occupied.

Please call with any comments, questions and instructions. Thank you.

Very truly yours,



Timothy Dugan

Enclosures

cc w\ enclosures:

Mr. Bobby Ray  
Ms. Mary Fertig  
Mr. Matthew Shanks  
Mr. Keith Heckler  
Ms. Elise Cary

Ms. Rebecca Torma  
Mr. Mark Wessel  
Mr. Brad Holmes  
Cynthia Walters, Esq.  
Ms. Sarah Navid  
Mr. Greg Leck

Mr. Andrew Teeters  
Mr. Alan Siegfried  
Mr. Todd Reddan  
Ms. Julie Soss  
Mr. Edward Papazian  
Ms. Cynthia Shonaiya  
Mr. Eric Mayl

Exhibits

Exhibit No.	Description
1.	City of Rockville Stormwater Management (SWM) Concept approval letter dated February 25, 2010
2.	August 27, 2010 City of Rockville letter extending the Stormwater Management (SWM) Concept approval letter dated February 25, 2010
3.	Gutschick, Little and Weber letter explaining the status of the Stormwater Management Concept Plan's compliance with the City's February 25, 2010 letter, as extended by the City's August 27, 2010 letter
4.	City of Rockville Water and Sewer Authorization letter dated February 4, 2010
5.	Gutschick, Little and Weber letter explaining the status of the Site Plan's compliance with the City's Water and Sewer Authorization letter dated February 4, 2010

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Exhibit 1

City of Rockville Stormwater Management (SWM) Concept approval letter dated  
February 25, 2010





City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

Public Works  
240-314-8500  
TTY 240-314-8137  
FAX 240-314-8539

Environmental Management  
240-314-8870  
FAX 240-314-8885

Fleet Services  
240-314-8485  
FAX 240-314-8499

Maintenance Operations  
240-314-8570  
FAX 240-314-8569

Water Treatment Plant  
240-314-8555  
FAX 240-314-8564

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierchala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

February 25, 2010

Mr. Timothy Hoffman  
Project Engineer  
Gutschick Little Weber, PA  
3909 National Drive, #250  
Burtonsville, Maryland 20866

Re: Brightview of Rockville  
Stormwater Management (SWM) Concept  
SMP2009-00013  
SXP#2010-00381

Dear Mr. Hoffman:

The Stormwater Management (SWM) Concept received December 31, 2009 with supplemental information being received January 11, 2010 and February 4, 2010 for the above referenced site is conditionally approved. The project includes the construction of a 90-unit assisted living facility, with associated parking and infrastructure. The proposed facility will be located at the property found on Tax Map: FR53, identified as Parcels 728 and 703 (9200 Darnestown Road). The property is zoned R-90 and is in the Watts Branch watershed. The site drains to Falls Grove Pond #2 which was designed to provide Cpv and Qp10 management for the developed off-site drainage area.

SWM is required to be provided for all new and replacement impervious area within the limits of disturbance. In accordance with City law, SWM also must be provided for new and replacement impervious area within the first 30 contiguous feet of the right-of-way (ROW) of Darnestown Road, a Montgomery County maintained road. The total on-site impervious area subject to SWM is 1.34 acres. The total impervious area from the Darnestown ROW subject to SWM is 0.18 acres.

The submitted SWM Concept proposes the following:

1. **On-Site Water Quality Volume, Non- Recharge (WQv)** - Water Quality, Non-Recharge for the site will be provided through Landscape Infiltration (LI) measures, through pervious concrete sidewalks, pervious concrete parking stalls, dry wells and a monetary contribution as detailed below:
  - a. Details include:
    - 1) Twelve LI measures scattered throughout the site treating 0.47 acres of sidewalk, paving, and patio,
    - 2) Pervious concrete paving treating 0.22 acres of parking stalls,
    - 3) Pervious concrete paving treating 0.16 acres of sidewalk,
    - 4) Dry wells treating 0.05 acres of roof, and

EXHIBIT **60**  
BOA

APPLICANT'S  
EXHIBIT **58**

(76)

- 5) A monetary contribution for 0.44 acres, which represents the portion of the roof that does not drain to a dry well.
2. **Water Quality Volume, Recharge (Rev)** - Groundwater recharge is provided in the on-site measures and is included in the monetary contribution fees for the area of the roof that does not go to the dry wells.
3. **On-Site Channel Protection Volume (Cpv)** - Channel Protection Volume for the site will be provided in the ESD measures (LI, pervious paving and dry wells) wherever practicable. For the impervious portions of the site where it is not practicable to provide ESD measures, a monetary contribution is being proposed.
  - a. Details include:
    - 1) The Cpv requirement of SWM is met in the LI measures for 0.47 impervious acres of sidewalk and patio,
    - 2) The Cpv requirement of SWM is met in the pervious paving utilized for parking stalls (0.22 impervious acres) and for the sidewalks (0.16 impervious acres),
    - 3) The Cpv requirement of SWM is met in the 0.05 acres impervious acres draining to the dry wells, and
    - 4) A monetary contribution is being proposed in lieu of providing the on-site Cpv SWM requirement for 0.44 acres, which represent the portion of the roof that does not drain to the dry wells.
4. **On-Site Overbank Flood Protection (Qp10)** - Qp10 for the site is proposed to be addressed with a monetary contribution in lieu of providing on-site management for all on-site impervious area, 1.34 acres.
5. **Darnestown Road**- In accordance with the City's SWM Ordinance, SWM is required for existing, replaced or new impervious area within the first 30 contiguous feet of the ROW of Darnestown Road. The Concept proposes a SWM alternative, monetary contribution, in lieu of providing on-site SWM due to vertical constraints that prohibit the collection and management of runoff from this portion of the ROW. A monetary contribution is proposed for Wqv, Cpv and Qp10 for 0.18 acres representing the amount of new and replacement impervious area within the ROW.

This SWM Concept is approved subject to the following conditions, which must be addressed at the stages in the process as indicated below:

1. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Wqv management for the portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$5,280, which is 0.44 impervious acres at the current rate of \$12,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance.

Payment of the monetary contribution is required prior to the Department of Public Works (DPW) permit issuance.

2. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Cpv management for the portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$8,800, which is 0.44 impervious acres at the current rate of \$20,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.
3. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Qp10 management for all on-site impervious area portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$8,800, which is 0.44 impervious acres at the current rate of \$20,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.
4. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Wqv, Cpv and Qp10 management for new and replacement impervious area within 30 feet of the contiguous ROW of Darnestown Road. This monetary contribution has been computed to be approximately \$9,360, which is 0.18 at the current rate of \$52,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.
5. The Applicant must submit a hydrologic and hydraulic study, based on field-surveyed structures and inverts, that analyzes the collection and conveyance of the 10-year storm event, including runoff from this project, through the existing storm drain system to the storm drain draining to the Falls Grove pond. A study point will be provided prior to the Applicant beginning this study. The study must be submitted to DPW for review at detailed engineering. The study also must demonstrate how the 10-year storm event will be safely conveyed through the LI measures to the storm drain system. Upgrades to the downstream storm drain pipe system may be required based on the study.
6. A minimum of 12-inch subgrade depth will be required for all pervious paving areas, in accordance with the Concept.
7. The Concept proposes LI facilities in proximity to building walls and foundations. Recognizing that either the LI facilities or the walls and foundations and/or both may need special measures because of this, DPW is requiring that the SWM facilities and the

building walls and foundations must be designed to address this issue and that a geotechnical engineer, or other qualified professional, must certify any unique features of the SWM facilities at detailed engineering. Special building wall or foundation treatments, if any, also must be included on the building plans for Community Development and Planning Services – Inspection Services Division’s review and approval.

8. Obtain all required permits from the Montgomery County Department of Permitting Services.
9. Submit a SWM permit application, detailed engineering SWM Plans and computations signed and sealed by a Professional Engineer licensed in the state of Maryland and a SWM Database Sheet for review and approval by DPW. The SWM Plan must include a Landscape Plan with appropriate details and notes, sealed by a Registered Landscape Architect, for all non-structural ESD measures that utilize plant materials (i.e. LI measures). Submit a detailed storm drain improvement plan with computations and a supporting drainage area map for use by DPW in review of the detailed engineering SWM Plan.
10. Prior to permit issuance, post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
11. Submit a SWM Easement/Maintenance Agreement for all features signed (executed) by the property owner(s) for review and approval by DPW and the City Attorney’s Office. The approved and executed SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.
12. Obtain approval of a Forest Conservation Plan from the City Forester. The FCP must be approved prior to DPW issuing SWM and sediment control permits.

COMAR 26.17.02.03 requires each county and municipality to adopt, by May 4, 2010, a revised ordinance that complies with the recently enacted revisions to the Maryland Department of the Environment (MDE), 2000 Maryland Stormwater Design Manual Volumes I & II. As mandated, the revisions must be applied to all new development and redevelopment projects that do not have final approval for erosion and sediment control and stormwater management plans by May 4, 2010. Therefore, the applicant is strongly urged to consider this State mandated deadline and potential impacts and implications to the project timing, detailed engineering plan approvals and costs.

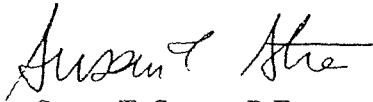
This SWM Concept approval will be considered void on May 4, 2010 unless the Sediment Control and Stormwater Management (SWM) detailed engineering plans are approved by that date. In addition, this approval does not guarantee that an approval of an Erosion and Sediment Control Plan or a SWM Plan will be issued by DPW before May 4, 2010.

Mr. Hoffman  
February 25, 2010  
Page 5

Any significant modification, revisions or alterations to the approved types, methods, locations and sizes of SWM measures approved with this SWM Concept may result in the requirement to submit a revised SWM Concept for approval by DPW.

If you have any questions, please contact Mary Fertig, Civil Engineer II, of my staff at 240-314-8535.

Sincerely,



Susan T. Straus, P.E.  
Chief Engineer/Environment

SS/MF/mbw

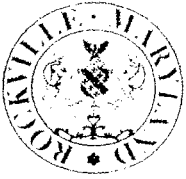
cc: Nancy Regelin, Shulman, Rogers, Gandal, Pordy & Ecker, PA  
Todd Reddan, GLW  
Sarah Navid, MCDPS  
Jim Wasilak, Chief of Planning  
Cas Chasten, Planner II  
Charlie Baker, Chief of Inspection Services  
Elise Cary, Assistant City Forester  
Mark Wessel, Civil Engineer III  
Mary Fertig, Civil Engineer II  
Permit Plan  
Day File  
SWM Concept File

Attachment: Stormwater Management Concept Plan, dated 02/25/10



Exhibit 2

August 27, 2010 City of Rockville letter extending the Stormwater Management (SWM)  
Concept approval letter dated February 25, 2010



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

240-314-5000  
TTY 240-314-8137

August 27, 2010

Mr. Mark Johnston, P.E.  
Gutschick, Little and Weber, PA  
3909 National Drive, Suite 250  
Burtonsville Office Park  
Burtonsville, Maryland 20866

Re: Stormwater Management (SWM) Concept Approval  
Brightview of Rockville, Montgomery County, Maryland  
SMP# 2009-00013, SXP# 2010 – 0381  
GLW Job #08073

Dear Mr. Johnston:

Reference is made to your August 18, 2010 request to renew the SWM Concept Approval issued on February 25 for the above referenced project. The City has reviewed your request and this letter serves to grant a renewal of the original approval as a Pre-Application SWM Concept in accordance amended Chapter 19 of the City Code, Entitled "Sediment Control and Stormwater Management." Amended Chapter 19 was adopted by the Mayor and Council on June 7, 2010 and complies with the Maryland Stormwater Act of 2007.

The 2007 Act required local jurisdictions to adopt legislation to comply with new SWM design standards by May 4, 2010. Accordingly, this SWM Concept was no longer valid. In addition, amended Chapter 19 revised the SWM Concept approval process to include two-stages, Pre-Application and Development. Our review concludes that the level of detail included with the original SWM Concept submission is consistent with the Pre-Application SWM Concept Approval stage and therefore this approval is made for that stage. The applicant will be required to submit a Development Stormwater Management Concept Approval, which will be required to be approved prior to the next planning action, which is Planning Commission approval of the Site Plan.

Please note that in accordance with Chapter 19, the Pre-Application SWM Concept Approval will expire one year from the date of this letter. In addition, any significant modifications, revisions, or alterations to the approved types, methods, locations and sizes of the SWM measures approved by this Pre-Application SWM Concept may

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierzchala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Glenda P. Evans

CITY ATTORNEY  
Debra Yerg Daniel

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Mr. Mark Johnston, P.E.  
August 27, 2010  
Page 2

result in the requirement to submit a revised Concept for approval by the Department. If you have any questions, please contact Mary Fertig via telephone at 240-314-8535, or via email at [mfertig@rockvillemd.gov](mailto:mfertig@rockvillemd.gov).

Sincerely,



Susan Straus, P.E.  
Chief, Engineering Division

*MF/jvs*

cc: Cas Chasten, CPDS  
Mark Wessel, DPW  
Mary Fertig, DPW  
Day File  
SWM Concept File

Exhibit 3

Gutschick, Little and Weber letter explaining the status of the Stormwater Management Concept Plan's compliance with the City's February 25, 2010 letter, as extended by the City's August 27, 2010 letter (The referenced exhibits are attached as Exhibits 1 and 2.)

# GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

December 28, 2010

Mr. Cas Chasten  
City of Rockville  
Department of Community Planning  
and Development Services  
111 Maryland Avenue  
Rockville MD 20850

Re: Brightview of Rockville  
Stormwater Management (SWM) Concept  
STP-2011-00066  
SPX 201000381

Dear Mr. Chasten:

In reference to the SWM Concept letter dated February 25, 2010 and approved in conjunction with the Special Exception application, and as renewed by letter dated August 27, 2010 in conjunction with the Site Plan Pre-application submission, the applicant/Brightview provides the following explanation of compliance.

The compliance is summarized as follows:

1. **On-Site Water Quality Volume** - Water Quality for the site will be provided by consolidating the 12 landscape infiltration (LI) facilities documented in the February 25 2010 approval into 4 landscape infiltration measures. In addition to the 4 LI's, other environmental site design (ESD) measures such as pervious sidewalks, pervious parking stalls, dry wells and monetary contribution are proposed in compliance with previously approved SWM Concepts discussed here-in. This compliance is evidenced by approval of the Development SWM Concept Plan associated with the Site Plan Application
2. **Water Quality Volume, Recharge (Rev)** - Groundwater recharge is provided in the on-site ESD measures and is included in the monetary contribution fees for the area of the roof that does not go to the dry wells or LI's. Compliance with this item is evidenced by approval of the Development SWM Concept Plan associated with the Site Plan Application.
3. **On-Site Channel Protection Volume (Cpv)** - Channel Protection Volume for the site will be provided in the on-site ESD measures. For the impervious portions of the site where it is not practicable to provide ESD measures, a monetary contribution is being proposed. Compliance with this item is evidenced by approval of the Development SWM Concept Plan associated with the Site Plan Application.

4. **On-Site Overbank Flood Protection (Qp10)** - Qp10 for the site is proposed to be addressed with a monetary contribution in lieu of providing on-site management for all on-site impervious areas. Compliance with this item is evidenced by approval of the Development SWM Concept Plan associated with the Site Plan Application
5. **Darnestown Road**- The plan proposes a SWM alternative, monetary contribution, in lieu of providing on-site SWM due to vertical constraints that prohibit the collection and management of runoff from the first 30 contiguous feet of the right of way (ROW) of Darnestown Road. A monetary contribution is proposed for Wqv, Cpv and Qp10 representing the amount of new and replacement impervious area within the ROW. Compliance with this item is evidenced by approval of the Development SWM Concept Plan associated with the Site Plan Application.

### **Conditions**

#### **No. 1 through no. 4:**

Compliance with monetary contributions as described in condition no. 1, 2, 3, and 4 of the February 25, 2010 SWM Concept letter, will be done at the time of detailed engineering and will be based on the final site plan and calculated based on the fees in place at the time of DPW permit issuance.

#### **No. 5**

A detailed hydrologic and hydraulic study based on field surveyed structures and inverts was submitted with the development SWM Concept associated with the Final Site Plan.

#### **No. 6**

A minimum 12-inch sub-grade depth is provided for all pervious paving areas.

#### **No. 7**

A determination of the need to certify special design measures and unique features will be made at the detailed engineering phase and the submission of building plans for Community Development and Planning Services - Inspection Services Division's review and approval

#### **No. 8**

All required permits will be obtained from the Montgomery County Department of Permitting Services.

#### **No. 9**

A SWM permit application, detailed engineering plans and computations, and landscape plans will be submitted.

#### **No. 10**

Financial security will be posted prior to permit issuance.

**No. 11**

A SWM Easement/Maintenance Agreement will be submitted for approval and recorded.

**No. 12**

Approval of the Final Forest Conservation Plan will be obtained prior to DPW issuing SWM and Sediment Control permits

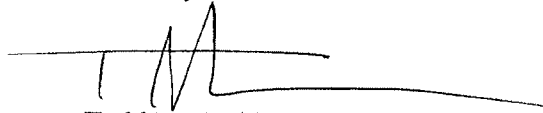
As mandated by the Maryland Department of the Environment (MDE), the revisions to the 2000 Maryland SWM Design Manual Volumes I and II are incorporated into the Site Plan. Compliance with the revisions to the Design Manual is evidenced by approval of the Development SWM Concept Plan.

Since the May 4, 2010 deadline was for obtaining plan approval of SWM measures based on the previous SWM Design Manual, the applicant, in compliance with the urging in the February 25, 2010 SWM Concept letter, has considered the State mandated deadline by complying with the revisions to the design manual.

The SWM Concept was renewed on August 27 2010 thereby eliminating a void status of May 4 2010. The previously approved SWM Concepts are attached.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Todd M. Reddan

cc: Mr. Bobby Ray  
Ms. Mary Fertig  
Mr. Matthew Shanks  
Mr. Keith Heckler  
Ms. Elise Cary  
Ms. Rebecca Torma  
Mr. Mark Wessel  
Mr. Brad Holmes

Ms. Sarah Navid  
Mr. Greg Leck  
Mr. Andrew Teeters  
Mr. Alan Siegfried  
Mr. Edward Papazian  
Ms. Cynthia Shonaiya  
Mr. Eric Mayl  
Ms. Cynthia Walters, Esq.

Exhibit 4

City of Rockville Water and Sewer Authorization letter dated February 4, 2010



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

Public Works  
240-314-8500  
TTY 240-314-8137  
FAX 240-314-8539

Environmental Management  
240-314-8870  
FAX 240-314-8885

Fleet Services  
240-314-8485  
FAX 240-314-8499

Maintenance Operations  
240-314-8570  
FAX 240-314-8589

Water Treatment Plant  
240-314-8555  
FAX 240-314-8564

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierzchala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

February 4, 2010

Mr. Andrew Teeter  
Shelter Development, LLC  
218 N. Charles Street  
Baltimore, Maryland 21201

Re: Brightview Assisted Living  
Water and Sewer Authorization  
SXP#2010-00381

Dear Mr. Teeter:

The Engineering Division of the Department of Public Works (DPW) has completed its review of the above referenced plan, received on December 11, 2009, for construction of a 90 unit assisted living facility for senior citizens and persons with disabilities. The proposed facility will be located at the property found on Tax Map: FR53, identified as Parcels 728 and 703 (9200 Darnestown Road). The proposed building is shown to contain approximately 65,669 gross square feet of floor space. The proposed project includes a request to connect to City water and sewer. There is no water or sewer immediately adjacent to this property. The nearest water mains are a 6" main in Jersey Lane, across Darnestown Road to the northwest in the Fallsgrove Subdivision and a 12" main near the intersection of Glenora Lane and Darnestown Road to the east. The nearest sewer is an 8" main in Jersey Lane.

The City's existing public water and sewer system, once expanded and improved in accordance with the conditions of approval detailed below, will be adequate to provide necessary water, sewer and fire protection for this project.

The conditions of approval that must be met in order for the City to approve the proposed connections to the water and sewer system improvements are as follows:

1. As noted above, City water is currently available for the site through an existing 6" water main in Jersey Lane and a 12" water main located near Glenora Road. As a condition of approval for the Kol Shalom project (Project Plan #PPJT2009-00001) located to the east of the subject property, Kol Shalom is required to construct a water loop. This may be achieved by connecting to and extending the existing 6" main in Jersey Lane across Darnestown Road to an 8" main required to be constructed along their entire Darnestown Road frontage. This 8" main will continue along Darnestown Road across the Brightview frontage to connect with the existing 12" water main in the vicinity of Glenora Lane. If this loop is not constructed at the time of permit issuance for Brightview, the improvements to complete this loop must be constructed by Brightview. The water service connection for the Brightview facility will be off the 8" main to be constructed in Darnestown Road. A fire hydrant is required with this project. Final location of this hydrant will be determined as part of the detailed engineering.
2. Public sewer is currently available for the site in Jersey Lane. However, as a condition of approval for the Kol Shalom project, Kol Shalom is required to extend the existing 8" sewer across Darnestown Road and along their frontage to the western property line. If this work is completed at the time of permit issuance for

EXHIBIT  
BOA

APPLICANT'S  
EXHIBIT

59

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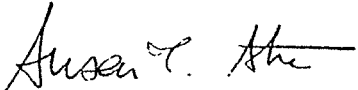
Mr. Teeter  
February 4, 2010  
Page 2

Brightview, sewer service for Brightview will be made by extending the 8" sewer main across their property frontage to the point that a service connection will be made to the facility. If the connection from Jersey Lane to the property boundary has not been constructed at the time of permit issuance, Brightview must construct the sewer extension.

3. Construct the above water and sewer mains in existing or dedicated public right-of-way or an easement that has been granted to the City.
4. Submit sewer construction documents to DPW for the review, approval and permitting at detailed engineering stage.
5. Obtain permits from DPW and Inspection Services Department (ISD), as required.
6. Any work within the Darnestown Road right-of-way is subject to review, approval and permitting by the Montgomery County Department of Permitting Services.
7. The Signature Set Site Plan must correctly reflect the location of the proposed sewer and water extensions and connections, as well as the proposed water meter and domestic water and fire protection service(s).
8. Any substantial changes or revisions to the proposed development information, as shown on the plan received December 11, 2009, may require a modification, revision or deletion of these conditions.

If you have any questions, please contact Mary Fertig, Civil Engineer II, of my staff at 240-314-8535 or mfertig@rockvillemd.gov.

Sincerely,



Susan T. Straus, P.E.  
Chief Engineer/Environment

cc: Nancy Regelin, Shulman, Rogers, Gandal, Pordy & Ecker, PA  
~~Todd Reddan, Gutschick, Little & Weber~~  
Sarah Navid, MCDPS  
Jim Wasilak, Chief of Planning  
Cas Chasten, Planner II  
Elise Cary, Assistant City Forester  
Charlie Baker, Chief of Inspection Services  
Matt Shanks, Fire Marshal  
Mark Wessel, Civil Engineer III  
Mary Fertig, Civil Engineer II  
Permit Plan  
Day File  
Water and Sewer Authorization File

**RECEIVED**

FEB 05 2010

Gutschick, Little & Weber, P.A.



Exhibit 5

Gutschick, Little and Weber letter explaining the status of the Site Plan's compliance with  
the City's Water and Sewer Authorization letter dated February 4, 2010

c:\nrportbl\worksite\champton\636673\_1.doc

# GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

December 28, 2010

Mr. Cas Chasten  
City of Rockville  
Department of Community Planning  
and Development Services  
111 Maryland Avenue  
Rockville MD 20850

Re: Brightview of Rockville  
Water and Sewer Authorization  
STP 2011-0006  
SPX 201000381

Dear Mr. Chasten:

In compliance with the City's February 4, 2010 Water and Sewer authorization letter, the Applicant/Brightview provides the following explanations.

In compliance with condition no. 1, the Applicant intends to construct a water service connection to the 8-inch water main that has been approved by the Department of Public Works (DPW) to be constructed in Darnestown Road by the developer of Kol Shalom. Therefore, Brightview is anticipating that Kol Shalom will be constructing the improvement in conformance with condition no. 1 of the authorization. If for some reason, Kol Shalom has not constructed such improvements in time, Brightview acknowledges that it must construct such improvements. Also in compliance with condition no. 1 of the authorization, Brightview proposes to construct a fire hydrant along Darnestown Road in front of their property. Final location of the fire hydrant will be determined as part of the detailed engineering.

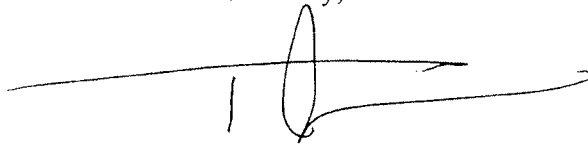
In compliance with condition no. 2, Kol Shalom is proposing to construct, and has received approval of the construction plans from DPW, an 8-inch sewer extension along Darnestown Road to the edge of the Brightview project. If for some reason, Kol Shalom has not constructed such improvements in time, Brightview acknowledges that it must construct such improvements at the time of permit issuance. Brightview proposes to construct an 8-inch sewer extension to serve its property. Two sewer house service connections are proposed to connect to the extension, in compliance with condition no. 2, to serve Brightview.

In compliance with condition no. 3, Brightview proposes to dedicate a public right-of-way for Darnestown Road along Brightview's frontage through recordation of a subdivision plat.

In conformance with conditions 4 through 7, Brightview will submit water and sewer plans to: (1) the City of Rockville's Department of Public Works and Department of Inspection Services; and (2) Montgomery County Department of Permitting Services (DPS) for approval and permitting by both agencies. Such water and sewer services are shown on the Site Plan submitted with the Site Plan application.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd M. Reddan'. The signature is fluid, with a long horizontal stroke extending to the left and a large loop on the right side.

Todd M. Reddan

cc: Mr. Bobby Ray  
Ms. Mary Fertig  
Mr. Matthew Shanks  
Mr. Keith Heckler  
Ms. Elise Cary  
Ms. Rebecca Torma  
Mr. Mark Wessel  
Mr. Brad Holmes

Ms. Sarah Navid  
Mr. Greg Leck  
Mr. Andrew Teeters  
Mr. Alan Siegfried  
Mr. Edward Papazian  
Ms. Cynthia Shonaiya  
Mr. Eric Mayl  
Ms. Cynthia Walters, Esq.



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2364  
www.rockvillemd.gov

240-314-5000  
TTY 240-314-8137

## ATTACHMENT "D"

January 24, 2011

Mr. Mark Johnston, PE  
Gutschick, Little & Weber, P.A.  
3909 National Drive, Suite 250  
Burtonsville, Maryland 20866

Re: Brightview of Rockville  
Development Stormwater Management Concept  
SMP# 2009-00013 - STP# 2011-00066

Dear Mr. Johnston:

The Development Stormwater Management (SWM) Concept originally received October 29, 2010 for the above referenced site is conditionally approved. The project includes the construction of an assisted living facility, with associated parking and infrastructure. A Special exception has been approved for this use. The proposed facility will be located at the property found on Tax Map: FR53, identified as Parcels 728 and 703 (9200 Darnestown Road). The property is zoned R-90 and is in the Watts Branch watershed. The site drains to the existing Fallsgrove Pond #2, which was originally designed to provide Cpv and Qp10 management for the developed off-site drainage area in accordance with SWM requirements at the time it was constructed.

SWM is required to be provided for all new and replacement impervious area within the limits of disturbance. In accordance with City law, SWM must also be provided for new and replacement impervious area within the first 30 contiguous feet of the right-of-way (ROW) of Darnestown Road, a Montgomery County maintained road. The total on-site impervious area subject to SWM is 1.35 acres. The total impervious area within the Darnestown ROW subject to SWM is 0.21 acres. This includes impervious area within the ROW as described above as well as the sidewalk proposed to be extended to Glenora Drive and replacement of pavement beyond the 30 contiguous feet for proposed utility connections.

The Target PE for the project is 1.8 inches. The Required ESDv for the project is 6231 c.f.

The submitted Development SWM Concept proposes the following:

**Environment Site Design SWM measures:**

- Four Landscape Infiltration (LI) totaling 1320 sq.ft. of surface area
  - For a portion of the roof and drive aisle.
- Four Dry Wells
  - For a portion of the roof.
- Pervious Concrete Pavement
  - For all parking stalls and on-site walks.

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierzchala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Glenda P. Evans

CITY ATTORNEY  
Debra Yerg Daniel

**Alternative Measures - Monetary Contribution in lieu of on-site management:**

- On-site Cpv = 0.21 acres
- On-site Wqv = 0.21 acres
- On-site Qp10 = 1.35 acres
  
- Darnestown Road right-of-way Cpv= 0.21 acres
- Darnestown Road right-of-way Wqv= 0.21 acres
- Darnestown Road right-of-way Qp10= 0.21 acres

The Development SWM Concept is approved subject to the following conditions, which must be addressed at the stages in the process as indicated below:

1. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Wqv management for the portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$2,520, which is 0.21 impervious acres at the current rate of \$12,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to Department of Public Works (DPW) permit issuance.
2. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Cpv management for the portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$4,200, which is 0.21 impervious acres at the current rate of \$20,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.
3. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Qp10 management for all on-site impervious area portion of the site that does not drain to an on-site measure. This monetary contribution has been computed to be approximately \$27,000, which is 1.35 impervious acres at the current rate of \$20,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.
4. Applicant shall contribute to the City Stormwater Fund as a SWM alternative to providing on-site Wqv, Cpv and Qp10 management for new and replacement impervious area within 30' of the contiguous ROW of Darnestown Road. This monetary contribution has been computed to be approximately \$10,920, which is

0.21 at the current rate of \$52,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.

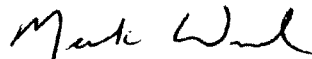
5. The concept proposes LI facilities in proximity to building walls and foundations and potential for temporary standing water at an elevation that is below the first floor. Recognizing that either the LI facilities or the walls and foundations and/or both may need special measures because of their location, DPW is requiring that the SWM facility and the building walls and foundations must be designed to consider this and that a geotechnical engineer, or other qualified professional, must certify unique features of the SWM facilities, if any, at detailed engineering. Unique building wall or foundation treatments, if any, must also be included on the building plans for Community Development and Planning Services – Inspection Services Division's review and approval.
6. Obtain all required permits from the Montgomery County Department of Permitting Services.
7. The Development SWM Concept demonstrates a reduction in 2-year and 10-year developed runoff from the site to the adjacent properties to the east and south. The final engineering must be designed to support this reduction and the City may request that the reduction be computed again at final engineering stage.
8. The proposed dry wells will be permitted to be constructed within 10 feet of the building foundation in order to limit the impact to adjacent trees. The location is to be shown on all final engineering drawings.
9. Submit a SWM permit application (SMP permit), detailed engineering SWM Plans and computations signed and sealed by a Professional Engineer licensed in the state of Maryland and a SWM Database Sheet for review and approval by DPW. Include the required Professional Certification on all plans and computations that are sealed by the professional engineer. The SWM Plan must include a Landscape Plan with appropriate details and notes, sealed by a Registered Landscape Architect, registered in the state of Maryland for all non-structural ESD measures that utilize plant materials (i.e. LI measures.) Submit a detailed storm drain improvement plan with computations and a supporting drainage area map for use by DPW in review of the detailed engineering SWM Plan.
10. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff and the SMP permit will not be issued until the City Attorney has reviewed and accepted the security. Please note that the City has recently updated the Standard Prices for Cost Estimating. The updated information may be found on our website.

11. Submit a SWM Easement/Maintenance Agreement for all features, signed (executed) by the property owner(s) for review and approval by DPW and the City Attorney's Office. The approved and executed SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to SMP permit issuance.
12. Obtain approval of a Forest Conservation Plan from the City Forester. The FCP must be approved prior to DPW issuing sediment control (SCP) and SMP permits.

Any significant modification, revisions or alterations to the approved types, methods, locations and sizes of SWM measures approved with this SWM Concept may result in the requirement to submit a revised SWM Concept for approval by DPW.

If you have any questions, please contact Mary Fertig, Civil Engineer III, via e-mail at [mfertig@rockvillemd.gov](mailto:mfertig@rockvillemd.gov) or via telephone at 240-314-8535.

Sincerely,



For Susan T. Straus, P.E.  
Chief of Engineering

Attachment: Development SWM Concept Plan, dated January 24, 2011

cc: Timothy Dugan, Shulman Rogers  
Todd Reddan, GLW  
Sarah Navid, MCDPS  
Jim Wasilak, Chief of Planning  
Cas Chasten, Planner II  
Elise Cary, Assistant City Forester  
CPDS - Inspection Services  
Mark Wessel, Engineering Supervisor  
Mary Fertig, Civil Engineer III  
Permit plan  
SWM Concept file  
Day file







Kimley-Horn  
and Associates, Inc.

## ATTACHMENT "E"

### MEMORANDUM

To: Nancy P. Regelin  
Shulman Rogers Gandal Pordy & Ecker, PA

From: Edward Y. Papazian, PE *EYP*  
Katie Weatherton, EIT *KW*

Date: October 9, 2009

Subject: Brightview at Rockville  
Comprehensive Transportation Review

■  
Suite 400  
13221 Woodland Park Road  
Herndon, Virginia  
20171

### COMPONENT A: INTRODUCTION AND PROJECT DESCRIPTION

This memorandum presents the methodology and findings of a Comprehensive Transportation Review (CTR) for the proposed Brightview of Rockville assisted living community at 9200 Darnestown Road in Rockville, Maryland.

#### Proposed Project

The proposed development will consist of a 90-unit assisted living community, containing 92 beds, located within a single building. The facility will provide residential care services for seniors to assist with the activities of daily living, communal amenities, and a Wellspring Program for seniors who are confronting various forms of dementia or memory impairment, including Alzheimer's disease. Full buildout of the site is expected in 2012.

The property consists of 3.69 acres and currently contains a single family home. A special exception application is being submitted for the proposed development. The site is not located within 0.35 miles of a metro station or transit station and therefore is not in a Traffic Oriented Area (TOA). The site location is shown in Figure 1.

Brightview of Rockville will be a 24-hour facility. Brightview management personnel will run the day-to-day operations onsite. Employees in the Brightview community include an administrative and security staff, marketing staff, activities and transportation staff, dining staff, nursing staff, housekeeping staff, and maintenance staff. The staff in the Brightview community will generally have three work shifts: 7am-3pm; 3pm-11pm; 11pm-7am. The approximate number of employees during each shift is as follows:

- 7am-3pm: 26 employees
- 3pm-11pm: 13 employees
- 11pm-7am: 7 employees



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Permitted Use Number 20812205



Kimley-Horn  
and Associates, Inc.

KHA Project # 110093000

## Site Location Map

Brightview at Rockville  
Rockville, MD

Figure

1

Page 2

101

### **Trip Generation Total**

The proposed Brightview of Rockville is projected to generate 13 trips in the AM peak hour and 20 trips in the PM peak hour. These trip figures are based on the Institute of Transportation Engineers (ITE) Trip Generation Report, land use code 254. Table 1 shows a summary of AM and PM peak hour trips resulting from the 92 beds in the proposed facility.

**Table 1**

<b>Brightview of Rockville Peak Hour Trip Generation</b>			
	<b>In</b>	<b>Out</b>	<b>Two-way</b>
<b>AM Peak Hour</b>	8	5	13
<b>PM Peak Hour</b>	9	11	20

This level of trip generation is below the 30-trip figure that would trigger the need for an Off-Site Analysis (full traffic impact study).

On this basis, a limited CTR is prepared that includes Component A (Introduction and Project Description), Component B (Site Access and Circulation Analysis), and Component E (Summary).

### **COMPONENT B: SITE ACCESS AND CIRCULATION ANALYSIS**

This proposal is largely in accordance with City codes, standards, and policies. One exception is that the proposed building height is 50 feet. However, significant additional setbacks are proposed to provide clearance from existing single family homes nearby.

The loading dock is located adjacent to the northwest side of the building along the site driveway, immediately adjacent to the delivery receiving area. Food deliveries will occur 2 times per week for dry goods and 3 to 4 times per week for dairy, juices, fresh produce, meat and fish. A laundry facility will be included in the community. Table and bed linens are delivered 2 times per month. UPS and other overnight delivery companies are expected to make deliveries approximately 2 times per week for business use, residential use may vary. Deliveries will normally occur on weekdays during non-peak traffic hours between 10:00 AM and 2:00 PM.

The building will include an internal trash and recycling room adjacent to the loading space. Trash pick-up will be through a private trash collector or municipal services, depending on availability. Trash will be picked up as needed, generally 2 times per week. Medical waste, which is generally minimal, is picked up once per month by a private contractor.

Vehicle access to the proposed Brightview of Rockville will be provided by a single driveway located along Darnestown Road near the west edge of the property. This driveway will accommodate left and right turns in and right turns out. Channelization at the driveway opening will be designed to prohibit left turn movements out.

The cross-section of Darnestown Road is five lanes with the center lane for left turns. The existing paint stripping along Darnestown Road will be modified to show a left turn lane in the westbound direction into the driveway.

Onsite parking will be located to the south and west of the building. Although the City Code requires 30 parking spaces for this use, a total of 45 parking spaces are proposed, including 4 handicapped spaces. Brightview's experience operating similarly sized communities has shown that while few residents retain personal vehicles, 45 parking spaces is the adequate number of on-site parking to meet the needs of staff, including staff shift change periods, and the needs of visitors, including special community events and holidays. Therefore, 45 spaces is the proper number of spaces to meet the needs of this project. The parking area has been designed to minimize its actual and perceived size, orient parking spaces internal to the site, and provide a drop-off area for the convenience of residents and guests along the front of the building.

Onsite vehicle circulation is a one-way operation with vehicles traveling counterclockwise around the parking lot. This provides safe and efficient operation, and minimizes any potential conflicts with delivery trucks trying to pass other vehicles. The one-way operation is clearly communicated to visitors through pavement markings and directional signs.

Based upon the design of the driveway and the low volumes of traffic that will be generated by the proposed development, the site access will operate in a safe and efficient manner. Based upon the clear separation of the parking, pickup and drop off area, and loading dock, the vehicle circulation system will also operate in a safe and efficient manner.

As part of this proposed development, sidewalk will be installed on Darnestown Road along the property frontage. In addition, the sidewalk along Darnestown Road will be extended along public right-of-way from the west edge of the property to Glenora Lane. Sidewalk connections will be installed from the building to the new sidewalk along Darnestown Road.

Bicycle facilities will be provided onsite. There is a proposed bike rack near the main building entrance for short-term bicycle parking. A two-space bicycle locker is proposed on the west side of the building to accommodate long-term bicycle storage.

There is currently no bus service along Darnestown Road. The nearest bus service runs along W. Montgomery Avenue or Wootton Parkway. Service used to be provided by Ride On Bus Route 127 but was discontinued on May 18, 2008. Therefore, there are no bus stop benches or shelters in the vicinity of the site. Also, the site is not within 0.35 miles of a transit station, and therefore is not in a TOA. However, Shelter Development provides its residents with a dedicated shuttle that offers scheduled daily transportation service to shopping, medical visits, social outings, recreation activities, and community events.

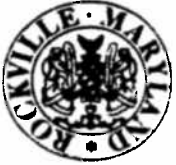
#### **COMPONENT E: SUMMARY**

The proposed Brightview at Rockville will have no adverse impact on the area roadway system. The resulting number of peak hour trips will be negligible and is below the level needed for an off-site traffic analysis.

Vehicle access and circulation will operate in a safe and efficient manner,

Pedestrian circulation will be enhanced by the installation of sidewalk along Darnestown Road, along the property frontage, and extended from the west edge of the property to Glenora Lane. Sidewalk connections will also be installed from the building to the new sidewalk along Darnestown Road.

A Transportation Demand Management Plan (TDMP) is not proposed for this property for three main reasons. The first is that the proposed facility will have no discernable impact on traffic. The second is that there is no bus service in the area. The third is that the onsite employees are a combination of administrative and nursing staff who work different shifts, which is not conducive to successful TDM programs. Therefore, a TDMP is not practical and is not proposed for this site.



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2384  
www.rockvillemd.gov

Public Works  
240-314-8500  
TTY 240-314-8137  
FAX 240-314-8539

Environmental Management  
240-314-8870  
FAX 240-314-8885

Fleet Services  
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FAX 240-314-8499

Maintenance Operations  
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FAX 240-314-8589

Water Treatment Plant  
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FAX 240-314-8564

MAYOR  
Phyllis Marcuccio

COUNCIL  
John B. Britton  
Piotr Gajewski  
Bridget Donnell Newton  
Mark Pierschala

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

## ATTACHMENT "F"

February 4, 2010

Mr. Andrew Teeter  
Shelter Development, LLC  
218 N. Charles Street  
Baltimore, Maryland 21201

Re: Brightview Assisted Living  
Water and Sewer Authorization  
SXP#2010-00381

Dear Mr. Teeter:

The Engineering Division of the Department of Public Works (DPW) has completed its review of the above referenced plan, received on December 11, 2009, for construction of a 90 unit assisted living facility for senior citizens and persons with disabilities. The proposed facility will be located at the property found on Tax Map: FR53, identified as Parcels 728 and 703 (9200 Darnestown Road). The proposed building is shown to contain approximately 65,669 gross square feet of floor space. The proposed project includes a request to connect to City water and sewer. There is no water or sewer immediately adjacent to this property. The nearest water mains are a 6" main in Jersey Lane, across Darnestown Road to the northwest in the Fallsgrove Subdivision and a 12" main near the intersection of Glenora Lane and Darnestown Road to the east. The nearest sewer is an 8" main in Jersey Lane.

The City's existing public water and sewer system, once expanded and improved in accordance with the conditions of approval detailed below, will be adequate to provide necessary water, sewer and fire protection for this project.

The conditions of approval that must be met in order for the City to approve the proposed connections to the water and sewer system improvements are as follows:

1. As noted above, City water is currently available for the site through an existing 6" water main in Jersey Lane and a 12" water main located near Glenora Road. As a condition of approval for the Kol Shalom project (Project Plan #PPJT2009-00001) located to the east of the subject property, Kol Shalom is required to construct a water loop. This may be achieved by connecting to and extending the existing 6" main in Jersey Lane across Darnestown Road to an 8" main required to be constructed along their entire Darnestown Road frontage. This 8" main will continue along Darnestown Road across the Brightview frontage to connect with the existing 12" water main in the vicinity of Glenora Lane. If this loop is not constructed at the time of permit issuance for Brightview, the improvements to complete this loop must be constructed by Brightview. The water service connection for the Brightview facility will be off the 8" main to be constructed in Darnestown Road. A fire hydrant is required with this project. Final location of this hydrant will be determined as part of the detailed engineering.
2. Public sewer is currently available for the site in Jersey Lane. However, as a condition of approval for the Kol Shalom project, Kol Shalom is required to extend the existing 8" sewer across Darnestown Road and along their frontage to the western property line. If this work is completed at the time of permit issuance for

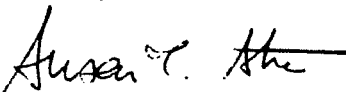
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Brightview, sewer service for Brightview will be made by extending the 8" sewer main across their property frontage to the point that a service connection will be made to the facility. If the connection from Jersey Lane to the property boundary has not been constructed at the time of permit issuance, Brightview must construct the sewer extension.

3. Construct the above water and sewer mains in existing or dedicated public right-of-way or an easement that has been granted to the City.
4. Submit sewer construction documents to DPW for the review, approval and permitting at detailed engineering stage.
5. Obtain permits from DPW and Inspection Services Department (ISD), as required.
6. Any work within the Darnestown Road right-of-way is subject to review, approval and permitting by the Montgomery County Department of Permitting Services.
7. The Signature Set Site Plan must correctly reflect the location of the proposed sewer and water extensions and connections, as well as the proposed water meter and domestic water and fire protection service(s).
8. Any substantial changes or revisions to the proposed development information, as shown on the plan received December 11, 2009, may require a modification, revision or deletion of these conditions.

If you have any questions, please contact Mary Fertig, Civil Engineer II, of my staff at 240-314-8535 or [mfertig@rockvillemd.gov](mailto:mfertig@rockvillemd.gov).

Sincerely,



Susan T. Straus, P.E.  
Chief Engineer/Environment

cc: Nancy Regelin, Shulman, Rogers, Gandal, Pordy & Ecker, PA  
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Charlie Baker, Chief of Inspection Services  
Matt Shanks, Fire Marshal  
Mark Wessel, Civil Engineer III  
Mary Fertig, Civil Engineer II  
Permit Plan  
Day File  
Water and Sewer Authorization File